REMARKS

Claims 1-3 are pending the application; Claims 1-3 stand rejected under 35 USC §102(e). By this Amendment new Claims 4-7 have been added. These new claims add no new matter to the application, and require no additional searching, fashioned as they are from the original claims of the application, which have already been searched.

Claims 1-2 stand rejected under 35 USC §102(e) as being anticipated by Sanderman; applicant respectfully traverses this rejection. Claim 1 requires a chat function that specifically has browser leading capabilities. "Browser leading" is defined in the specification as "operator driven browsing capabilities" (page 3, line 6) and/or as the "ability to drive one or more [client] browsers to desired locations on the web" (page 3, line 19-20) and/or as "The leader can quickly drive every participant's browser to any location on the web" (page 5, lines 24-25). Sanderman neither discloses nor suggests any such browser leading capability. The Examiner appears to have either reviewed an inapplicable section of the specification of the current application (he refers only to page 1, line 20, which does not explain or define browser leading), or has inappropriately limited the applicability of the above referred to portions of the specification wherein the term "browser leading" is defined. In fact, the above definitions of the term "browser leading" are not limited only to advanced applications of iSession (as discussed in the Best Mode section of the specification), but are universally applicable to even the most basic claimed embodiments, including any "combination of a chat function with a browser leading function" that might occur anywhere in an internet communication environment. There is no basis for so limiting applicability of the definitions preferred by Applicant, and the Examiner has recited no such basis. It is believed, and respectfully submitted, that the Examiner has collapsed the generic use of iSession throughout the specification as any chat/browser leading system on the one hand, with the specific use of iSession in the Best Mode section as a particular preferred embodiment of a chat/browser leading system that is employed in a CSR environment.

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Simply put, and restated, Claim 1 requires a chat system wherein a user has the "ability to drive one or more browsers to desired locations on the web", and this limitation is not met anywhere in Sanderman.

The Sanderman technology is concerned primarily with content management in corporate databases, and nowhere discusses a user chatting with another user and driving or leading that user to some selected location on the web. In this respect, Sanderman teaches only that a chat function may be combined with a network browser, NOT that either the chat function OR the browser can be used to lead anyone else's browser to selected network locations. The Sanderman text excerpts cited by the Examiner in the previous office action (and incorporated by reference into the current office action) have again been carefully reviewed in particular, and are not to the contrary. Sanderman therefore does not anticipate Claim 1, and Claim 1 is therefore believed to be distinguished over Sanderman. Reconsideration is requested.

Claim 2 requires, among other things, a communications process wherein a user is enabled to have a live chat session with a service person, simply by clicking on a button; and further wherein the service person leads the user to a selected location on the web. The Sanderman technology does not teach or suggest this claimed process; there is no mechanism for, and no discussion about, leading a user's browser to a selected location on the web, and there is also no teaching of using a chat function to connect a user and a service person for answering questions or leading the user to a selected web site. The Sanderman text excerpt cited by the Examiner in the previous office action has again been carefully reviewed in particular, and is not to the contrary. Sanderman therefore does not anticipate Claim 2, and Claim 2 is therefore believed to be distinguished over Sanderman as well. Reconsideration is also requested.

Claims 1 - 2 stand rejected under 35 USC §102(e) as being anticipated by Anupam; applicant respectfully traverses this rejection. As may be seen by a review of the new Declarations attached hereto, inventor Hankejh has further refreshed his recollection of events related to this

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application through discussion with another contemporary, J. Thomas Morelli. It therefore appears that Applicant invented at least some of the claimed subject matter as early as the beginning of 1996, and in particular the subject matter of claims 1-2 no later than March 1996, all well before Anupam was filed July 16, 1996. See the attached Second Declaration of Damion L. Hankejh and Declaration of J. Thomas Morelli. Therefore Anupam is not a suitable 102e reference in this case, at least not for claims 1-2, all as set forth in greater detail below.

Inventor Damion Hankejh recalls in his Second Declaration (attached hereto) that before 1996, when he and his colleagues wanted to share or pass internet website links to other site(s) to each other while they were engaged in a chat session with each other, they had to go to the trouble to write out the full website link in a chat text, and then the recipients that were logged on with him would copy the website link from their chat page and paste it into the address bar of a separate browser application running simultaneously on their computer so as to cause that separate browser to navigate to that pasted website link address. There was thus no browser leading available directly in a chat session in 1996. (Second Declaration of Hankejh, paragraph 2.) This state of the art before 1996 is corroborated by contemporary witnesses Michael J. Lande, Don Moschberger, Sidney Brown and J. Thomas Morelli. (See respective Declarations of Lande, Moschberger and Brown, para 2, each, previously filed in this case, and Declaration of J. Thomas Morelli, para 2, attached hereto.)

Hankejh discovered at least as early as the beginning of 1996 in New York City, New York USA, and a little later in Redmond, Washington in early March 1996, that a chat function could be combined with a browser leading function, such that one chat participant could lead all other chat participants to any location on the Web, or any other networked communication environment, by simply entering a web address on a special address bar or the like inside the specially created chat environment. (Second Declaration of Hankejh, paragraph 3.) Moschberger confirms that Hankejh shared this vision with him at least as early as the Fall of 1996 (Declaration of

Moschberger, para 3); Brown and Lande confirm that Hankejh shared this vision with them at least as early as January 1998 (Declaration of Brown, paras 3, 5; Declaration of Lande, paras 3, 5).

Morelli now confirms that Hankejh also shared this same vision with him at least as early as March 1996, and in addition they also discussed at least as early as March 1996, a new way to share and/or pass Web-based content across the Internet in real time while engaged in an Internet chat session. Prior to that time, and other than the way described above, to accomplish this it was necessary to input long and complicated computer commands in the appropriate programming language. Then in order to view the content, the other participant in the chat session had to then manually transfer the coded data they had received to another completely separate browser application. Depending on the data transfer protocol and network setup, there were often several more steps to take before the information could be used (Declaration of Morelli, para 3,4).

Hankejh also now recalls that by early 1996, he had heard that Sun Microsystems had announced Java's licensing to a majority of important hardware and software companies, thus insuring a kind of corporate seal of acceptance, and he knew that Java's corporate and consumer market future were assured, because from there after both the corporate and consumer sides of a service could be based on Java's 'write once, run anywhere' promise. He recalls thinking, as early as sometime early in March 1996, that Java code could be written to interact with both the chat environment and the browser environment to effect this browser leading function in the chat environment, and he started even then to write code to create some of the earliest test embodiments. (Second Declaration of Hankejh, para 4)

He had earlier made the acquaintance of J. Thomas Morelli, a public relations executive based in the Silicon Valley, and by early March 1996, was writing code to create some of the earliest test embodiments, and was showing them to Morelli and getting his feed back on them. Hankejh explained to Morelli as early as March 1996 how a chat function could be combined with

a browser leading function, so that a chat participant, by entering a web address on a special address bar or the like inside the chat environment and activating it, could lead all other chat participants' simultaneously running browsers to any location on the Web, or any other networked communication environment, and Morelli and Hankejh would brainstorm on possibilities and applications for the Java code Hankejh was writing to interact with both the chat environment and the browser environment to effect the browser leading function in the chat environment. Hankejh says Morelli assisted him with ongoing testing, at least through June 1996 when he started working with Hoa Ton-That. (Second Declaration of Hankejh, para 5)

Morelli confirms his recollection that Hankejh and Ton-That did start working together at least as early as June 1996 on the code and visions described above. Morelli also recalls that the conversations took place as early as March 1996 because Damion had asked him at that time to write and deliver a marketing plan outline for the new technology on a short deadline, and Morelli recalls he was able to do so despite the fact that he was then on a temporary business assignment in Los Angeles at the time. (Declaration of Morelli, para 5,6)

Co-inventor Hoa Ton-That recalls in his declaration (filed previously in this case) that he was also working on similar technology early in 1996 in Akron, Ohio; that is, a chat function that could be combined with a browser leading function, so that a chat participant, by entering a web address on a special address bar or the like inside a special chat environment, and activating it, could lead all other chat participants' simultaneously running browsers to any location on the Web. (Declaration of Ton-That, paragraph 2.) Hankejh and Ton-That disclosed and shared these respective visions of theirs with each other at least as early as June 1996 and then began a collaboration leading to the technology disclosed in the present patent application. (Second Declaration of Hankejh, paragraph 6) The above related discoveries of Hankejh and Ton-That encompass the subject matter of Claim 1 as filed, and establish a conception date by them for Claim 1 as of early 1996, and at least as early as March 1996.

Hankejh knew in 1996 that Java code could be written to interact with both a chat environment and a browser environment to effect the browser leading function in the special chat environment that he envisioned, and he started writing his own Java code to create some of his earliest test embodiments. Although none of these test embodiments survive to this date so far as he recalls, he does recall that in June 1996 he got in touch with his friend and subsequent co-inventor Hoa Ton-That and explained to him his vision for a browser leading function within a chat function that could be enabled by Java coding, and showed him some of his test examples. (Second Declaration of Hankejh, paragraph 6.) This is confirmed by Ton-That, who also recalls that as early as July 1996 Hankejh explained to him his vision for a browser leading function within a chat function that could be enabled by Java coding, just as set forth in the patent application on file and in Hankejh's declaration (both of which Ton-That had recently reviewed). (Declaration of Ton-That, paragraph 3.)

Ton-That also showed Hankejh some of his own earlier work on the same subject and they agreed to collaborate. (Second Declaration of Hankejh, paragraph 6; Declaration of Ton-That, paragraph 3.) They then worked together between June 1996 and August 1996, virtually connected to each other over the Web, and created several further test embodiments, culminating later in the Fall of 1996 in a successful and functional prototype of a Java-based browser leading function enabled in a chat session. (Second Declaration of Hankejh, paragraph 6; Declaration of Ton-That, paragraph 3.) They both tested and verified it repeatedly, first with each other, and then tested it in confidence among some of Damion's colleagues, such as Don Moschberger and Dr. Arthur Ammann, at the American Foundation for AIDS Research (amfAR) in New York City, NY, and with several of Ton-That's colleagues, Brian Deagan and Bill Landers, in Akron, OH, all before the end of 1996. (Second Declaration of Hankejh, paragraph 6; Declaration of Ton-That, paragraph 3.) This early testing is also confirmed by Moschberger. (Declaration of Moschberger, para 3.) The above related collaboration, co-development and testing establishes

requisite diligence toward reduction to practice, and a first reduction to practice, of the subject matter of Claim 1 before the end of 1996.

Hankejh also recalls learning in the Fall of 1996 about amfAR's peer review professional advisory committees and grantee researchers funded by amfAR. He was working on developing a Web site for the amfAR organization at the time with Moschberger who was then their CTO. Hankejh realized that his novel browser leading chat session could also serve as both a collaboration and educational tool for such an organization, and also in a broader sense as a customer service and support tool for the then burgeoning e-commerce market. He visualized that a chat session could be started, and virtually any number of people could then log into that chat session, and then a designated chat leader could lead the browsers of the other chat members to anywhere on the web, including URL's within a website hosted by the chat leader himself and containing all the educational or collaboration materials that he wanted to share with his colleagues. (Second Declaration of Hankejh, paragraph 7.) Moschberger confirms all of this entirely. (Declaration of Moschberger, paragraph 4.) Ton-That confirms that all of this was also shared and discussed with him by Hankejh in the Fall of 1996. (Declaration of Ton-That, paragraph 4.)

Hankejh also discovered that a customer service rep (CSR), while leading a chat session with an online customer, could lead the customer to web pages that would either show the customer what she had been looking for, or show her other information that would help her in her online shopping. He also discovered that a user could click on a unique hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person. The service person could then answer questions in the chat and in the same session lead the user to any desired location on the Web. (Second Declaration of Hankejh, paras 7,8.) Ton-That confirms being part of this discussion (Declaration of Ton-That, paras 4, 5), and Moschberger confirms as well and recalls in addition that part of

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what Hankejh explained to him was that a user could click on a unique hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person, and that the service person could then answer questions in the chat and in the same session lead the user to any desired location on the Web. (Declaration of Moschberger, paragraph 4.) Similar discussions were had in January 1998 with Lande and Brown in Seattle, who also confirm the substance related above. (Declarations of Lande and Brown, paras 6, each).

Lande was introduced to Hankejh in Seattle by Martin Rood and Hankejh and Rood explained to him their vision for a browser leading function within a chat function that could be enabled by Java coding. Lande was then an attorney with the firm of McDonald & Quackenbush in Seattle, and was counsel for Rood, doing preliminary work for Rood for formation of the company which was to become Sessio.com (predecessor to the current owner of the application) in approximately April 1998. Lande recalls that the purpose of the meeting was to discuss the formation of Sessio and for them to show him their idea and the technology that would be the cornerstone of the new company. (Declaration of Lande, para 3.) Lande also recalls that in early January Hankejh and Rood discussed with him in Seattle the use of a browser based chat product that could be used for customer communication, support, and sales, and that they demonstrated to him the technology at Lande's office in Seattle. (Declaration of Lande, para 4.) He recalls seeing Damion act as a customer service rep while Rood acted as a customer, and Lande saw Hankejh and Rood chatting while Hankejh led Rood's computer around the net by pushing him pages via the chat/browser. Lande sat in on several demonstrations of this prototype beginning in January 1998. (Declaration of Lande, para 4.) Brown also corroborates this and recalls these demonstration as they where done for him in January 1998. (Declaration of Brown, para 4.)

On several occasions in January 1998, Lande also recalls that Hankejh went to the board and mapped out how the system was working and the basic architecture. Attached to Lande's

declaration is a drawing which represents his best recollection of what that architecture looked like to him at the time. He also says his recollection is that the drawing depicts the high-level overview of the service, including its essential architecture and use of Internet infrastructure to eliminate software installation. (Declaration of Lande, para 4.) Lande also says his drawing is also a good representation, at a high level, of the system described above, and that he understood in January 1998 that this was also how a customer service rep, while leading a chat session with an online customer, could lead the customer to web pages that would either show the customer what she had been looking for, or show her other information that would help her in her online shopping. (Declaration of Lande, para 6.) It is submitted that the Lande drawing is indeed a high level view of the subject matter of at least claims 2 and 3, and is further evidence that the subject matter of these claims was reduced to practice as early as January 1998.

Morelli recalls that he and Hankejh also discussed at least as early as March 1996 how the new browser leading chat session could serve as both a collaboration and educational tool and in a broader sense as a customer service and support tool for the then burgeoning e-commerce market. Morelli says that Hankejh showed him how he (Hankejh) visualized that a chat session could be started, and virtually any number of people could log into that chat session via an http connection through the internet, and then a designated chat leader could lead the browsers of the other chat members to anywhere on the web, including URL's within a website hosted by the chat leader himself and containing all the educational or collaboration materials that he wanted to share with his colleagues. (Declaration of Morelli, para 7.)

Morelli understood at least as early as March 1996, from discussions with Hankejh at that time, that this was also how a customer service rep, while leading a chat session with an online customer, could lead the customer to web pages that would either show the customer what she had been looking for, or show her other information that would help her in her online shopping. Morelli says that part of what Hankejh explained at that time was that a user could click on a

unique hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person. The service person could then answer questions in the chat and in the same session lead the user to any desired location on the Web. (Declaration of Morelli, para 8; Second Declaration of Hankejh, para 8.)

The above related discoveries of Hankejh, Ton-That, Rood and Morelli encompass the subject matter of Claim 2 as filed, and establish a conception date by them for Claim 2 as early as March 1996. Hankejh and Morelli corroborate each other, as indicated.

Hankejh and Ton-That continued to collaborate in the USA on creating several prototypes of these advanced chat/browser and CS or CSR applications from the Fall of 1996 to about August 1997, and discussed their workings with each other and demonstrated them in confidence with Hankejh's colleagues at amfAR in NYC. (Second Declaration of Hankejh, paragraph 7; Declaration of Ton-That, paragraph 6.) Moschberger confirms this. (Declaration of Moschberger, para 5.) Also between the Fall of 1996 and August 1997, they worked on expanding and refining the code base in these prototypes to better enable the process, and to build a platform that could accommodate mission critical applications. They worked many hours on issues of scalability, robustness for reduced dropouts and greater reliability, and redundancy. During this time, Hankejh and Ton-That made and tested each prototype, each one created from previous test results and from continually emerging requirements to meet criteria as Hankejh envisioned them, including the ones since disclosed in their patent application. Hankejh and Ton-That mutually confirm this in their respective declarations. (Second Declaration of Hankejh, paragraphs 9-11; Declaration of Ton-That, paragraphs 7-8.) The above related collaboration, co-development, testing and demonstration establishes requisite diligence toward reduction to practice, and a first reduction to practice, of the subject matter of Claim 2 before the end of 1997, or at least no later than January 1998, when the successful prototype was demonstrated to Lande and to Brown, as set forth above.

By late 1997, Hankejh and Ton-That both realized that a real time internet communications system like the Web would support a chat 'session' service, linked to a web site, to connect one or more support agents to at least one user. They pictured that each agent could log in to the session service, while the user was browsing the website, and that at some point the user could then click a hyperlink button on the website for assistance, and be thereby directed transparently to the session 'cloud' (a virtual queue for users) while the cloud would then notify the logged in agent that a user had made a request for assistance via the link. They visualized that the cloud would also initiate a distribution routine whereby a java client application would be sent to the user's machine, so that when the agent responded to accept the call from the cloud, both the agent and the user would be placed into a session channel or chat specially formed by the java client on the user's machine and an appropriate server operatively connected to the website so that the agent and the user could collaborate. The declarations of Hankejh and Ton-That both mutually confirm each other's recollections as to the conception of this subject matter. (Second Declaration of Hankejh, paragraph 12; Declaration of Ton-That, paragraph 9.) In addition, Moschberger, Lande and Brown all confirm and recall having discussions with Hankejh about this same subject matter no later than January 1998. (Declaration of Moschberger, paragraph 6; Declarations of Lande and Brown, paragraph 7, each.) The above related discoveries of Hankejh and Ton-That encompass the subject matter of Claim 3 as filed, and establish a conception date by them for Claim 3 as early as late 1997, and no later than January 1998. Hankejh and Ton-That corroborate each other, and are in turn corroborated by Moschberger, Lande and Brown, as indicated.

Hankejh and Ton-That both continued to work throughout late 1997 on perfecting Java code to define and implement their conceptual notions of 'session' and 'cloud'. In particular they successfully developed their first thin java client prototype that could be speedily and readily downloaded on demand to any user clicking such a CSR hyperlink, and also developed the prototype for the companion java server, along with a successful implementation of the virtual

queue, or cloud. Hankejh and Ton-That corroborate each other in this, as in other points herein. (Second Declaration of Hankejh, paragraph 13; Declaration of Ton-That, paragraph 10.)

In January 1998 Hankejh was introduced to Rood, and he explained to Rood the whole vision of what they had come to call the isession. Hankejh tested chat / browser leader CS prototypes on various browser platforms, and demonstrated them to Rood. Hankejh, Ton-That and Rood produced together and successfully tested with each other their first robust CS browser leading chat session in January 1998 in Seattle, Washington, thus fulfilling all of the vision and requirements set forth in the above paragraph. Also in January 1998 Hankejh explained the vision of the CS browser leading chat session as set forth above to Lande and to Brown, and demonstrated the prototype discussed above to them in that same month in Seattle. (Second Declaration of Hankejh, paragraph 14.) Ton-That confirms that Hankejh had reported all this to him contemporaneously. (Declaration of Ton-That, paragraph 11.) Lande and Brown also confirm having this information imparted to them. (Declarations of Lande and Brown, para 3, each.) The above related collaboration, co-development, testing and demonstration establishes requisite diligence toward reduction to practice, and a first reduction to practice, of the subject matter of Claim 3 before the end of 1997, or at least no later than January 1998, when the successful prototype was demonstrated to Lande and to Brown, as set forth above.

Even after reduction to practice, Hankejh and Ton-That continued their diligence past January 1998 by ironing out bugs and making needed improvements through 4/98 when Rood and Hankejh engaged patent counsel. Hankejh and Ton-That continued testing and refinement of similar prototypes through at least June of 1998 when the provisional patent application was filed. (Second Declaration of Hankejh, paragraph 15; Declaration of Ton-That, paragraph 12.)

Hankejh worked on the application with patent counsel and on fullest implementation of best mode particulars for the application between approximately 4/98 and 6/98 when the provisional patent application was filed. During that time, he also continued testing of the

invention and verification of their designs during that period, making changes and updates to patent application drafts continually during that period. (Second Declaration of Hankejh, paragraph 16). The undersigned was patent counsel at the time and attests to and corroborates that substance set forth above as occurring between 4/98 and the provisional application filing in 6/98. The subject matter of Claims 1-3 was alternatively therefore also further and conclusively constructively reduced to practice in 6/98 by the provisional application filing, in that conception occurred for each of the claims well before the Anupam reference filing date, and there was diligence from each conception date all the way up to constructive reduction to practice.

The entire conception and diligent reduction to practice of the subject matter of each claim is set forth in the Second Declaration of Hankejh, and all of it is corroborated in detail by the other declarants of record. The subject matter of each claim was completely disclosed (in confidence) to more than one person, and the requisite means and their interaction comprehended and disclosed as well. Diligence in reducing each claimed subject matter to practice, and reduction to practice within the USA, is also set forth and corroborated by multiple witnesses.

Thus it is established that Applicant invented (either by actual reduction to practice, or alternatively by constructive reduction to practice, with diligence from date of conception) the subject matter of at least claims 1 and 2 no later than March 1996, well before Anupam was filed 7/16/96. Therefore Anupam is not a suitable 102e reference in this case for claims 1 and 2, and Applicant requests withdrawal of the citation and the rejections with respect to claims 1 and 2, and reconsideration of the claims 1 and 2, which are believed to be in condition for allowance.

Claim 3 also stands rejected under 35 USC §102(e) as being anticipated by Anupam; applicant respectfully traverses this rejection. Applicant believes that it invented the subject matter of Claim 3 before the Anupam filing date as well; however, Applicant is not at this time able to further provide further corroboration of such an earlier invention date for the subject matter of

claim 3, and therefore responds to the substance of the rejection as follows, without prejudice or waiver to a later showing of earlier invention as to claim 3.

Claim 3 has the following limitations, that, at a minimum, find no response anywhere in the Anupam disclosure (numeral references for the Examiner's convenience are numerals taken from Figure 1 of this application's specification):

an iSession service 10,

one or more support Agents 13, and a User 14,

wherein an Agent logs in (arrows 1) to the iSession service 10,

while User 14 is browsing (arrow 2) the website 11;

User clicks on iSession hyperlink on the site and is directed (arrow 3) to the iSession cloud 10,

where User 14 is placed in a queue

while the iSession switching cloud notifies (arrow 3) logged in Agent 13 that a User has made a Request via the link;

the cloud 10 distributes (arrow 14) an iSession Java client application to User 14;

when the Agent responds to accept the 'call' from the switching cloud, both the Agent and the User are placed (circle 5) into an iSession channel 12 to collaborate.

At most, Anupam discusses a service industry example (column 5, lines 21-35), which stops far short of setting up the kind of system claimed in claim 3. Anupam Figure 2b, cited in particular by the Examiner is no more pertinent. Claim 3 is more than a generic series of predetermined steps, such as to be anticipated by some other series of steps, when in fact the disclosed steps of the cited reference bear no resemblance to the steps of the claim. Claim 3 is therefore not anticipated or rendered obvious by the Anupam reference, and Claim 3 is therefore believed to be allowable over Anupam. Reconsideration is therefore requested.

New claims 4-7 have been added. These new claims add no new matter to the application, and require no additional searching, fashioned as they are from the original claims of the application, which have already been searched. These claims are all believed to be allowable as they all depend from claims already argued herein to be allowable, and then add their own new limitations to their base and intervening claims and are thus further distinguished over the cited references.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests that the new Claims be entered and examined, and that early favorable action be taken on all claims pending in the application. Applicant respectfully requests reexamination of all rejected claims and early favorable action on them as well. If the Examiner has any further concerns, Applicant requests a call to Applicant's attorney Patrick Dwyer at (206) 343-7074.

Respectfully submitted,

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